THE HONOURABLE SRI JUSTICE C.V.RAMULU

Writ Petition No.9423 of 1997

Dated:06-03-2007

Between:

B.Ramachander. **…..PETITIONER**

AND

The Vice-Chancellor,
Central Institute of English and Foreign
Languages, Osmania University Campus,
Hyderabad and 3 others.
….RESPONDENTS

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.P.No.9423 of 1997

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondents to fix the pay of the petitioner equally to that of his juniors and pass consequential orders.

The facts are not in dispute. It is the case of the petitioner that the unofficial respondents 3 and 4 are juniors to him and they are getting more salary than the petitioner. According to the petitioner he was promoted as a Semi-professional Assistant with effect from 16-8-1983 and confirmed in the said cadre with effect from 01-09-1984. In the seniority list the name of the petitioner was shown at SL.No.3, whereas the name of the respondents 3 and 4 who are appointed as Semi-professional Assistants with effect from 9-9-1983 and 13-3-1986 and their services in the said cadre were confirmed on 1-4-1984 and 1-4-1987, respectively. Thus, the unofficial respondents 3 and 4 are admittedly juniors to the petitioner. However the unofficial respondents are getting salary at Rs.1,410/- with effect from 01-08-1986 and 01-10-1986, respectively, while the pay of the petitioner was fixed at Rs.1,350/- with effect from 01-03-1986 and the same is arbitrary and contrary to statutory provisions under F.R. 22 (c).

A detailed counter affidavit is filed by the respondents denying the allegations made by the petitioner. It is stated that the respondents 3 and 4 were selected by a selection committee, which met on 18-8-1981 for the post of Semi-professional Assistants and they were appointed as Semi-professional Assistants in the scale of 380-640 on temporary basis with effect from 29-8-1981 and 1-10-1981, respectively. They were subsequently appointed to the post of Semi-professional Assistants in regular vacancies by selecting them by a duly constituted Selection Committee, which met on 9-9-1983. Respondents 3 and 4 were appointed in regular vacancies for the post of Semi-professional Assistants w.e.f 9.9.83 and 13-3-1986, respectively.

From this it is evident that the respondents 3 and 4 were appointed as a Semi-professional Assistants in the pay scale of 380-640, though on temporary basis, with effect from 29-8-1981 and 1-10-1981, respectively. Be that as it may, petitioner was working as

LDC/Typist (Library) in the pay scale of 260-400. The respondents have continued in the post of Semi-professional Assistants from almost two years, but the petitioner was working as
Semi-professional Assistant with effect from 16-8-1983. The respondents 3 and 4 are working as Semi Professional Assistants temporarily in the pay scale of 380-640 for almost two years by the time the petitioner was promoted as Semi-professional Assistant. Therefore, the respondent Nos.3 and 4 were drawing more pay than the petitioner on the date of regular appointment of the petitioner. Therefore, the respondents 3 and 4 are drawing more pay than the petitioner by virtue of their longer service in the pay scale of 380-640. Since the petitioner does not satisfy the provisions of FR 22 (I) (a) (1) he is not entitled for claiming salary on par with the unofficial respondents 3 and 4.

It is clear that the unofficial respondents were promoted, though on temporary basis, much prior to that of the petitioner and were put on the time scale of 380-640. The petitioner was promoted, may be on regular post, with effect from 16-8-1983, but by that time respondents 3 and 4 have already earned two increments and therefore their salary is bound to be more than the petitioner. Under those circumstances, these anomalies are bound to occur and since the petitioner does not satisfy the provisions of FR 22 (I) (a) (1), he cannot claim salary on part with his juniors.

The writ petition is devoid of merits and liable to be dismissed, accordingly dismissed. No order as to costs.

(C.V.RAMULU,J)

Date:06-3-2007
grk

THE HONOURABLE SRI JUSTICE C.V.RAMULU

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